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UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GREENE/GUILFORD ENVIRONMENTAL  
ASSOCIATION, a non-profit corporation  
incorporated under the laws of the  
Commonwealth of Pennsylvania, CITIZENS  
FOR PLANNED COMMUNITY GROWTH,  
an unincorporated association organized  
under the laws of the Commonwealth of  
Pennsylvania, PAUL B. AMBROSE, JOHN G.  
ENDERS, CHARLES F. RAHAUSER, BETSY  
RAHAUSER, DOUGLAS A. WARNOCK, U.X.  
VAGNERINI, THOMAS W. BUNDY,  
STEPHEN P. BUCHER, ROGER J.  
ROBERTSON, JAMES A. STRITE, JR., DAVID  
A. GUTHRIE,

Plaintiffs

v.

KEN WYKLE, Administrator, Federal  
Highway Administration, ROBERT GATZ,  
Federal Highway Administration,  
Defendants

and

BRADLEY L. MALLORY, Secretary for  
The Department of Transportation,  
Commonwealth of Pennsylvania,  
Intervenor.

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CIVIL ACTION NO.  
1:CV-01-0910

(Judge Rambo) ✓

FILED  
HARRISBURG, PA

JUN 14 2002

MARY E. D'ANDREA, CLERK  
Per MB  
Deputy Clerk

Defendants' Response to the Motion to File Brief in  
Excess of 15 Pages

Defendants Ken Wykle and Robert Gatz (Federal Defendants)  
and intervenor Bradley L. Mallory, by and through their  
undersigned counsel, hereby respond in limited opposition to  
plaintiffs' Motion to File a Brief in Excess of Fifteen Pages  
and, in support thereof, state as follows:

1. This is a citizens' challenge to the decision of the

Federal Highway Administration to construct a new interchange in the Chambersburg area.

2. On or about January 22, 2002, defendants and the intervenor filed a motion for leave to file a summary judgment brief in excess of fifteen pages;

3. The Court granted that motion by order dated January 23, 2002, but limited the brief to 50 pages;

4. Defendants in fact have filed their motion for summary judgment supported by a fifty page brief;

5. Plaintiffs now seek leave to file a response in excess of fifty pages and defendants have concurred in that request, but only to the extent that the brief does not exceed fifty pages;

6. Plaintiffs seek to file a brief of 149 pages and, in support thereof, state in part that the original complaint was 54 pages long;

7. Defendants note that when plaintiffs filed their complaint, this Court, sua sponte, ordered the 54 page, 264 paragraph Complaint impounded and directed the plaintiffs to file a complaint consistent with the notice pleading requirement of the federal rules;

8. In response to that order, the plaintiffs filed a 27 page amended complaint which reduces the number of paragraphs to 143 ;

9. Defendants submit that plaintiffs' request to file a brief which is three times as long as that of the defendants

should be denied because:

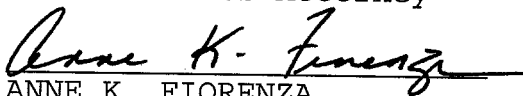
a. It will prejudice the defendants to permit such disparate treatment; and

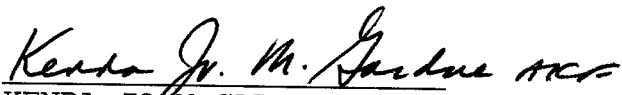
b. If plaintiffs case is as compelling as they contend, the legal arguments should certainly be amenable to treatment within a fifty page limit;

Wherefore, the defendants and intervenor respectfully ask that the motion be denied to the extent that it seeks leave to submit a brief in excess of 50 pages.

Respectfully submitted,

Thomas A. Marino  
United States Attorney

  
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Commonwealth of Pennsylvania  
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Harrisburg, PA 17190

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

On this \_\_\_\_ day of June, 2002, she served a copy of the foregoing document by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by deposition said envelope and contents in the United States Mail at Harrisburg, Pennsylvania to:

Thomas Alan Linzey, Esquire  
Community Environmental Legal Defense Fund  
2859 Scotland Road  
Chambersburg, PA 17201

  
Anne K. Fiorenza